

Attorney Docket No.: 122mab

Applicants or Patentees: Michael G. Taylor

Serial No. or Patent No.: not yet assigned

Filed or Issued: filed herewith

For: Bit-Rate Transparent WDM Optical Communication System With Remodulators

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) & 1.27(c))-SMALL BUSINESS CONCERN

I hereby declare that I am

☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: Ciena Corporation
ADDRESS OF SMALL BUSINESS CONCERN: 920 Elkridge Landing Road
Linthicum, MD 21090

I hereby declare that the above-identified small business concern qualifies as a small business concern as identified in 13 CFR 121.1301 through 121.1305 and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

☒ the specification filed herewith with title as listed above.
☐ the application identified above.
☐ the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). Separate verified statements from each named person, concern, or organization having rights to the invention averring to their status as small entities is attached.

NAME: _____
ADDRESS: _____

☐ Individual ☐ Small Business Concern ☐ Non-Profit Organization

03820670-031897

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is not longer appropriate (37 CFR 1.28(b)).

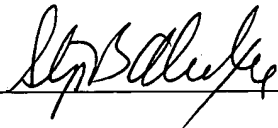
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF THE PERSON SIGNING: Stephen B. Alexander

TITLE: Vice President, Transport Products

ADDRESS OF PERSON SIGNING: 920 Elkridge Landing Road Linthicum, MD 21090

SIGNATURE



DATE:

3/13/97

03820670-031897

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type:

- ☒ original
- ☐ design
- ☐ supplemental
- ☐ national stage of PCT
- ☐ divisional
- ☐ continuation
- ☐ continuation -in-part

INVENTORSHIP IDENTIFICATION

My residence, post office address, and citizenship are as stated below next to my name. I believe that I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

BIT-RATE TRANSPARENT WDM OPTICAL COMMUNICATION SYSTEM WITH REMODULATORS**SPECIFICATION IDENTIFICATION**

the specification of which:

- ☒ is attached hereto.
- ☐ was filed on _____ as ☐ Serial No. _____ or Express Mail No. _____ (as Serial No. is not yet known) and was amended on _____, (if applicable).
- ☐ was described and claimed in PCT International Application NO. _____ filed on _____ and as amended under PCT Article 19 on _____ (if any).

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information

- ☒ which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56
- ☒ and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent, and
- ☐ in compliance with this duty there is attached an information disclosure statement in accordance with 37 C.F.R. § 1.98.

PRIORITY CLAIM (35 U.S.C. § 119)

I hereby claim foreign priority benefits under Title 35, United States Code, § 119, of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) for designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

☒ no such applications have been filed

☐ such applications have been filed as follows:

PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119

Country (or indicate if PCT)	Application Number	Date of Filing (day, month, year)	Priority Claimed Under 35 U.S.C. §119
			<input type="checkbox"/> yes <input type="checkbox"/> no
			<input type="checkbox"/> yes <input type="checkbox"/> no
			<input type="checkbox"/> yes <input type="checkbox"/> no

ALL FOREIGN APPLICATION(S), IF ANY, FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

POWER OF ATTORNEY

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Margaret A. Burke Reg. No. 34,474
Stephen R. Whitt Reg. No. 34,753
David L. Soltz Reg. No. 34,731

SEND CORRESPONDENCE TO:

Stephen B. Whitt
Legal Department
920 Elkridge Landing Road
Linthicum, MD 21090

DIRECT TELEPHONE CALLS TO:
(Name and telephone number)

Stephen B. Whitt
(410) 865-8500

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or of any patent issued thereon.

SIGNATURE(S)

1-00 Full name of first or sole inventor: Michael G. Taylor

Inventor's signature

M G Taylor

Date: March 18 1997 Country of Citizenship: United Kingdom
Residence: Laurel, MD MD
Post Office Address: 8334 Sperry Court Laurel, MD 20723

[x] The declaration ends with this page.

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